

AMENDED IN SENATE JUNE 9, 2005

AMENDED IN ASSEMBLY MAY 4, 2005

AMENDED IN ASSEMBLY APRIL 11, 2005

AMENDED IN ASSEMBLY MARCH 31, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1683

Introduced by Assembly Member Shirley Horton

February 22, 2005

An act to add Section 6608.7 to the Welfare and Institutions Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 1683, as amended, Shirley Horton. Sex offenders.

Existing law requires the Director of Corrections, prior to the release of a person from custody convicted of certain crimes of a sexual nature against 2 or more victims, to refer the person to the State Department of Mental Health for evaluation. The law authorizes civil commitment for a 2-year term, as a sexually violent predator, if the person is adjudicated to be likely to engage in sexually violent criminal behavior if discharged.

Under existing law, if the Director of Mental Health determines that the committed person's diagnosed mental disorder has so changed that the person is no longer likely to commit acts of predatory sexual violence while under supervision and treatment in the community, the director is required to forward a report and recommendation for conditional release, and if the court determines that the person does not pose a danger, it is required to order a one-year community placement with an appropriate forensic conditional release program

operated by the state. The law authorizes the department to contract with the county or private providers for community supervision and treatment.

Existing law, with certain exceptions, requires a nonparolee who is conditionally released under these provisions to be placed in the county of domicile. The law requires the department to notify certain persons of the proposed community placement, including, but not limited to, the sheriff or chief of police.

This bill would require the department to provide the court with a copy of the written terms and conditions of outpatient treatment signed by the patient and a copy of the written contract entered into with any public or private person or entity to monitor or supervise the patient's outpatient placement and treatment program. The bill would, except for confidential medical and treatment information, require the department to provide copies of the agreement to prescribed local officials.

This bill would prohibit the department *or its designee* from altering any ~~term or condition~~ *of the terms and conditions* of outpatient treatment without court approval.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6608.7 is added to the Welfare and
2 Institutions Code, to read:
3 6608.7. (a) Notwithstanding any provision of law to the
4 contrary, including, but not limited to, Sections 4514 and 5328,
5 for any person committed under this article who is proposed for
6 community outpatient treatment under the forensic conditional
7 release program the department shall provide to the court a copy
8 of the written terms and conditions of outpatient treatment,
9 signed by the patient, and a copy of the written contract entered
10 into with any public or private person or entity responsible for
11 monitoring and supervising the patient's outpatient placement
12 and treatment program. The department shall also provide copies
13 of the written terms and conditions of the outpatient treatment,
14 except for confidential medical and treatment information, to the
15 sheriff or chief of police, or both, and to the district attorney or

- 1 the counsel designated by the county, that have jurisdiction over
- 2 the proposed placement community.
- 3 (b) The department *or its designee* shall not alter or modify
- 4 any of the terms *and conditions* of the outpatient treatment
- 5 without approval of the court.

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